

REMARKS

Claims 1, 3 – 11 and 13 – 17 and 19 – 27 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

At the outset, Applicants respectfully note that claims 2, 12 and 18 have been cancelled without prejudice or disclaimer of the subject-matter contained therein.

REJECTION UNDER 35 U.S.C. § 112

Claims 1 – 10, 12 – 14 and 17 – 26 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

With regard to claims 1 and 17, the claims have been amended to recite a first dual-rate leaf spring. Applicants respectfully assert that a first dual-rate leaf spring is sufficiently definite. Applicants further note that claims 1 and 17 have been amended to adequately set forth the structure that provides the first and second effective spring rates. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

With regard to claims 3, 4, 6 and 7, Applicants respectfully note that the claims have been amended herein to respectively define the first and second distances of amended claims 1 and 5. Claim 3 sufficiently defines the first distance as extending between a face of the upper casting and a face of the lower casting. Similarly, claim 4 sufficiently defines the second distance as extending between connection points of the

first dual-rate leaf spring to the upper and lower casting. Claims 6 and 7 have been similarly amended to respectively define first and second distances of a second dual-rate leaf spring that interconnects the upper and lower castings. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

As indicated above, claim 12 has been cancelled without prejudice or disclaimer of the subject-matter contained therein.

Applicants respectfully assert that claims 13 and 14 recite adequate structure to sufficiently define the first and second effective lengths that provide the first and second effective spring rates. In particular, claim 13 sufficiently defines the first effective length as extending between a face of the upper casting and a face of the lower casting. Similarly, claim 14 sufficiently defines the second effective length as extending between connection points of the first dual-rate leaf spring to the upper and lower casting. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

As indicated above, claim 18 has been cancelled without prejudice or disclaimer of the subject-matter contained therein.

Claims 19 and 20 have been similarly amended to adequately define the first and second distances of amended claim 17. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Claim 22 has been amended to properly depend from claim 21. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Claim 23 has been amended to recite a spindle assembly operably interconnecting the rocker mechanism to the seat base to provide relative swivel motion

therebetween. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 10, 17, 23 and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by either Roper (U.S. Pat. No. 4,852,943) or Hodgdon (U.S. Pat. No. 5,649,740). This rejection is respectfully traversed.

Applicants respectfully note that claims 1 and 17 have been amended to recite “a first dual-rate leaf spring having a first end anchored to said upper casting and a second end anchored to said lower casting, said first dual-rate leaf spring having a first effective spring rate defined by a first distance between said upper and lower castings for rocking in a first direction and a second effective spring rate defined by a second distance between said upper and lower castings for rocking in a second direction.”

With regard to Roper, Applicants note that there is no teaching or suggestion of a leaf spring. With regard to Hodgdon, Applicants note that there is no teaching of a leaf spring having a first end anchored to an upper casting and a second end anchored to a lower casting. Hodgdon is limited to teaching a mounting plate (18) supported on resilient blocks (30,32). Tilting or reclining of the seat is achieved via compression of the resilient blocks by the mounting plate. Therefore, Applicants respectfully assert that neither Roper nor Hodgdon teach or suggest a first dual-rate leaf spring having a first end anchored to an upper casting and a second end anchored to a lower casting, and reconsideration and withdrawal of the rejections are respectfully requested.

Claim 10 depends from claim 1 and claims 23 and 26 each depend from claim 17. As discussed in detail above, claims 1 and 17 define over the prior art. Therefore, claims 10, 23 and 26 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

Claims 1 – 7, 10, 17 – 20 and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by either Apissomian (U.S. Pat. No. 4,411,468) or Finney et al. (U.S. Pat. No. 5,040,846). This rejection is respectfully traversed.

As discussed above, claims 1 and 17 have been amended to recite “a first dual-rate leaf spring having a first end anchored to said upper casting and a second end anchored to said lower casting, said first dual-rate leaf spring having a fixed first effective spring rate defined by a first distance between said upper and lower castings for rocking in a first direction and a fixed second effective spring rate defined by a second distance between said upper and lower castings for rocking in a second direction.”

With particular regard to claims 1 and 17 in view of Apissomian, Apissomian teaches a strip (21) having a fixed spring rate in a first direction (i.e., forward rocking) and a dynamic or variable spring rate in a second direction (i.e., backward rocking). That is to say, as the chair is caused to rock backward the spring rate of the strip becomes increasingly larger making it increasingly more difficult to rock the chair backward (see col. 5, lines 10 – 24). In contradistinction, the present invention, as claimed in claims 1 and 17, includes a fixed second effective spring rate defined by a second distance and not a dynamic or variable spring rate defined by a variable

distance as taught in Apissomian. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

With regard to claims 1 and 17 in view of Finney et al., Finney et al. fails to teach or suggest a leaf spring having a first end anchored to an upper casting and a second end anchored to a lower casting. More specifically, Finney et al. teaches a leaf spring connected to an upper support (20) at both ends. The leaf spring is interconnected to a spring support (29) intermediate its length. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

As indicated above, claims 2 and 18 have been cancelled without prejudice or disclaimer of the subject-matter contained therein.

Claims 3 – 7 and 10 depend either directly or indirectly from claim 1 and claims 19, 20 and 26 each depend either directly or indirectly from claim 17. As discussed in detail above, claims 1 and 17 define over the prior art. Therefore, claims 3 – 7, 10, 19, 20 and 26 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

Claims 7 – 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by either Ward (U.S. Pat. No. 4,141,530) or Pentzien (U.S. Pat. No. 4,119,343). This rejection is respectfully traversed.

As discussed in detail above, claim 1 defines over the prior art. Claims 7 – 10 either directly or indirectly depend from claim 1. Therefore, claims 7 – 10 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

With regard to claim 11, Applicant respectfully notes that claim 11 has been amended herein to recite the upper and lower castings defining first and second effective lengths of each of the first and second leaf springs to provide fixed first and second spring rates for each of the first and second leaf springs, wherein the first spring rate is different than said second spring rate. Applicant notes that neither Ward nor Pentzien teach or suggest first and second leaf springs each having first and second spring rates, wherein the first spring rate is different than said second spring rate. Applicant further notes that Apissomian fails to cure the deficient teachings of either Ward or Pentzien. As discussed in detail above, Apissomian teaches a fixed spring rate and a variable spring rate, not two fixed spring rates as claimed in amended claim 11. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

As indicated above, claim 12 has been cancelled without prejudice or disclaimer of the subject-matter contained therein.

Claims 13 and 14 depend from claim 11. As discussed in detail above, claim 11 defines over the prior art. Therefore, claims 13 and 14 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 8, 9 and 21 – 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Apissomian (U.S. Pat. No. 4,411,468). This rejection is respectfully traversed.

Claims 8 and 9 depend either directly or indirectly from claim 1 and claims 21 – 25 each depend either directly or indirectly from claim 17. As discussed in detail above,

claims 1 and 17 define over the prior art. Therefore, claims 8, 9 and 21 – 25 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over either Ward (U.S. Pat. No. 4,141,530) or Pentzien (U.S. Pat. No. 4,119,343) in view of Apissomian (U.S. Pat. No. 4,411,468). This rejection is respectfully traversed.

Claims 15 and 16 depend either directly or indirectly from claim 11. As discussed in detail above, claim 11 defines over the prior art. Therefore, claims 15 and 16 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

NEW CLAIMS

Claim 27 has been added to more particularly point and distinctly claim the subject matter which Applicant regards as the invention. The language of new Claim 27 is supported by the specification as originally filed and no new matter has been entered.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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